

# Indiana Department of Education

Center for Community Relations and Special Populations  
Room 229, State House—Indianapolis, IN 46204-2798



## MEMORANDUM

To: Child Nutrition Program Sponsors

From: Michael E. Gill, Director  
School and Community Nutrition Programs

Re: Procurement Regulations

Date: July 11, 2006

New regulations updating the procurement rules for USDA Child Nutrition Programs are due to be published by the end of this calendar year. The State Agency is taking steps now to implement those rules. The regulatory changes give the State Agency additional authority and responsibility to review and approve procurement documents and contracts involving expenditures from Local Educational Agencies (LEAs) nonprofit food service accounts. The Department of Education, Division of School and Community Nutrition Programs (SCNP) is now requiring that all procurement documents and contracts involving \$75,000.00 or more in nonprofit food service account expenditures be reviewed and approved by this office before execution. This is a requirement for all Local Educational Agencies including those that plan to contract with a Food Service Management Company.

National School Lunch Program regulations specifically addressing Food Service Management Companies (7 CFR Part 210.16(a)(9-10)) require that all bid documents and the actual contract must be approved by the State Agency prior to execution. In addition, all State Agency required changes must be incorporated into the documents before they are executed.

This requirement modifies SCNP Division Policy number 71 currently posted under “Procurement” on the SCNP web site [www.doe.state.in.us/food](http://www.doe.state.in.us/food).

## Procurement Regulations

If you are in the process of bidding for a Food Service Management Company (FSMC) please submit your procurement documents such as the invitation to bid, legal notice as published in the newspaper, and list of companies to which it was mailed. The LEA must use the prototype FSMC contract that is posted on the SCNP Web site. The contract must be submitted for State Agency review and approval before signature and execution.

This mandate applies to all procurement conducted on behalf of all Child Nutrition Programs. If you have any questions please contact Fred Powell at (317) 232-0850, or e-mail him at [fpowell@doe.state.in.us](mailto:fpowell@doe.state.in.us) .